

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

LAUREN GRYNIEWSKI,

Plaintiff,

v.

SLEEP NUMBER CORPORATION,

Defendant.

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Civil Action No.:

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, Lauren Gryniewski (“Gryniewski” or “Plaintiff”), brings this complaint in the United States District Court for the District of Minnesota against SLEEP NUMBER CORPORATION (“Sleep Number” or “Defendant”), alleging as follows:

THE PARTIES

1. Gryniewski is an experienced commercial photographer and videographer specializing in architectural photography and video for commercial and editorial clients. Gryniewski resides in Arden Hills, Minnesota.

2. Sleep Number is a Corporation organized and existing under the laws of the State of Minnesota with its headquarters in Minneapolis, Minnesota. Defendant’s agent for service of process is Shelly Ibach, 1001 Third Avenue South, Minneapolis, Minnesota 55404.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because Defendant has maintained sufficient minimum contacts with the State of Minnesota and as a result the exercise of personal jurisdiction over Defendant by this Court would not offend traditional notions of fair play and substantial justice.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a) because Defendant or its agent(s) reside or may be found in this district: “A defendant ‘may be found’ in a district in which he could be served with process; that is, in a district which may assert personal jurisdiction over the defendant.”

FACTS

I. The Photograph at Issue in this Lawsuit

6. On July 8, 2022, Gryniewski and Defendant executed a Photography Services Agreement (“Agreement”) concerning the photography shoot which governed Gryniewski’s capture and Defendant’s use of Copyrighted Photograph.

7. Section 4 (Copyright) of Agreement states:

All Photographs shall be the sole and exclusive property of the Photographer, including but not limited to all copyrights and other intellectual property rights therein, in perpetuity, throughout the universe.

8. Section 5 (Limited License) of Agreement states:

5. Limited License. Photographer, on the condition of full compliance with this Agreement, including receipt of the Final Payment (as defined in Section 12 below) and Attribution duties (Section 7 below), hereby grants to Client a non-exclusive, fully paid-up, and royalty-free right and license to use the Photographs, subject to the following conditions (the “Limited License”).

5.1. Client Publications. Client may use the Photographs in Client Publications until the expiration of this Limited License, as stated in Subsection 5.8 below. The term “Client Publications” shall be restricted to mean only reproduction and publication of the Photographs done solely by the Client, whether in print or electronic form, such as use of the Photographs in the Client’s websites, social media pages, emails, competition entries, portfolios, annual reports, brochures,

pamphlets, posters, or press releases, and whose audience is employees, customers, shareholders, or the general public.

5.2. Outside Publications. Client may NOT use the Photographs in Outside Publications, except web editorial, print advertising in trade journals, editorial coverage in trade journals, and consumer print advertising up to 1/4 page, or as agreed to in Subsection 5.4 below. Images may be distributed to homeowners for personal use only. The Term “Outside Publications” shall include all reproductions of the Photographs other than Client Publications. Outside Publications include, but are not limited to, advertising or editorial use of the Photographs in third-party websites, newspapers, billboards, books, or magazines, whether in print or electronic media, regardless of whether the Client pays or instructs the Outside Publication or any other person to engage in such use.

5.3. Proof Images. Photographs designated as “Proofs” shall be kept confidential. Proofs shall not be made public, or otherwise released outside of Client’s business, for any reason. Only final versions of the Photographs may be made public or shared with anyone other than Client, Client’s members, or Client’s employees. Images not specifically rejected or requested to be revised within 30 days will be deemed approved.

5.4. License Special Terms. Photographer and Client agree as follows: Client Initials AG: Photographer Initials: LG

5.5. Transfer of Rights and Duties. Client’s rights to use the Photographs shall be assignable and transferable to persons or entities providing Outside Publications (if any) limited to the use stated in Subsection 5.4 above, and subject to the terms of, and duties contained in, this Agreement.

5.6. Extension and Additional Fee. If Client desires at a later date to reproduce, or cause to be reproduced, Photographs beyond the scope of this Limited License, then Client must request it from the Photographer in writing. Such an extension of the Limited License will be subject to an additional fee, which will be set at a reasonable price in good faith at the Photographer’s sole discretion. Photographer reserves the right to decline use of the Photographs beyond that described in this Limited License at Photographer’s sole discretion. Any license extension granted by the Photographer must be in writing to be effective and will be subject to the terms of this Agreement.

5.7. Infringement. Any use of the Photographs beyond the terms of this Limited License, without permission of the Photographer, by any person or entity shall constitute copyright infringement.

5.8. Expiration. These images may be used in perpetuity.

9. Section 7 (Attribution) of Agreement states:

7. Attribution. Client agrees, for any and all use of the Photographs, including Client Publications and Outside Publications, to conspicuously indicate Photographer as the source of the Photographs. Failure to properly credit or tag Photographer will constitute copyright infringement.

The following notations, or similar, on or near the photo in legible text are acceptable:

7.1. “Round Three Photography”

7.2. “Photo by Round Three Photography”

7.3. On instagram, a credit tagging “@round.three.photography” (Note: The tag must be clickable and in the body text of the post)

10. On July 13, 2022, Gryniowski captured the photograph, “22-07-13_SNE_5372-SignOn2” (“Copyrighted Photograph”), a copy of which is exhibited below:



11. on August 17, 2022, Gryniowski registered Copyrighted Photograph with The United States Copyright Office (Registration No.: VA0002316420).

12. Gryniowski registered Copyrighted Photograph with The United States Copyright Office within three months of first publication.

13. For all times relevant to this action, Plaintiff has been the author and exclusive copyright holder of all copyright rights in and to Copyrighted Photograph. As such, Plaintiff is entitled to institute and maintain this action for copyright infringement. See 17 U.S.C. § 501(b).

14. On November 11, 2024, Gryniowski notified Defendant of its infringing use of Copyrighted Photograph.

15. On November 12, 2024, Dennis Hansen (“Hansen”), Senior Vice President and Deputy General Counsel of Sleep Number, acknowledged receipt of the information on Defendant’s infringing use of Copyrighted Photograph, stating “I have received your message and will review and respond.”

II. Defendant’s Unlawful Activities

16. On July 7, 2022, Angela Gearhart (“Gearhart”), Vice President at Sleep Number emailed Gryniowski concerning the terms of usage for Copyrighted Photograph, stating:

Lauren- can you clarify outside usage? These images would appear in trade publications and feature editorial content. Is that included in our usage?”

17. On July 7, 2022, Gryniowski responded to Gearhart, stating:

Yes, that usage is totally fine! I updated the contract to include the below text in red to clarify. A more limited version of my contract excludes the full underlined section of text below, but due to your intended use of the images ahead of the shoot, I am fine with those exceptions. You’d just need to expand your usage license if you decide to run the images in consumer print advertising larger than 1/4 page, and if a third party wants to use them in a publication they would profit from (like a book, or a print issue of a consumer magazine), that third party would need to contact me directly for a usage license.

5.2. Outside Publications. Client may NOT use the Photographs in Outside Publications, except web editorial, print advertising in trade journals, editorial coverage in trade journals, and consumer print advertising up to 1/4 page, or as agreed to in Subsection 5.4 below. Images may be distributed to homeowners for personal use only.

The Term “Outside Publications” shall include all reproductions of the Photographs other than Client Publications. Outside Publications include, but are not limited to, advertising or editorial use of the Photographs in third-party websites, newspapers, billboards, books, or magazines, whether in print or electronic media, regardless of whether the Client pays or instructs the Outside Publication or any other person to engage in such use.

18. On July 7, 2022, Gearhart stated “Yes, that is helpful” in response to Gryniewski’s email.

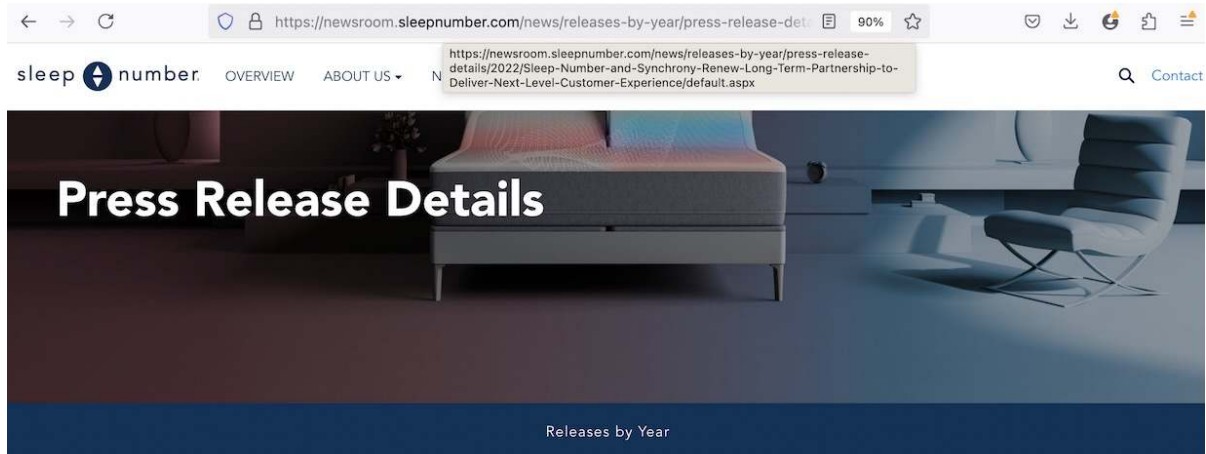
19. On July 22, 2022, in an email to Gryniewski, Gearhart stated “Can you tell me again the format you would like for tagging?”

20. On July 7, 2022, Gryniewski responded to Gearhart, stating: “@round.three.photography on Instagram would be great, otherwise just Round Three Photography when written out. Thanks!”

21. Despite possessing explicit knowledge its limited license outlined in Agreement, Defendant copied and posted Copyrighted Photograph to its website without the proper credit to Gryniewski and in direct violation of Section 7 of Agreement

22. Despite possessing explicit knowledge its limited license outlined in Agreement did not include using Copyrighted Photograph in television advertising, Defendant copied and displayed Copyrighted Photograph as part of six (6) separate and distinct television commercials advertising Sleep Number products, in direct violation and exceeding the scope of Agreement.

23. On or about September 1, 2022, Sleep Number copied and posted Copyrighted Photograph to its website without the proper credit to Gryniewski and in direct violation of Section 7 of Agreement, [www.newsroom.sleepnumber.com/news/releases-by-year/press-release-details/2022/Sleep-Number-and-Synchrony-Renew-Long-Term-Partnership-to-Deliver-Next-Level-Customer-Experience/default.aspx](https://newsroom.sleepnumber.com/news/releases-by-year/press-release-details/2022/Sleep-Number-and-Synchrony-Renew-Long-Term-Partnership-to-Deliver-Next-Level-Customer-Experience/default.aspx):



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Sleep Number and Synchrony Renew Long-Term Partnership to Deliver Next Level Customer Experience

09/01/2022

Building on a nearly 20-year relationship, the companies will leverage advanced insights and technology to drive consumer demand and growth

MINNEAPOLIS and STAMFORD, Conn., Sept. 1, 2022 /PRNewswire/ -- Synchrony (NYSE: SYF) and Sleep Number (Nasdaq: SNBR) announced that they have renewed their longtime financing partnership, which includes new joint investments from both industry leaders. Their commitment will continue to focus on exceptional customer experiences and make Sleep Number's award-winning sleep and wellness solutions attainable for more consumers.



look forward to continuing to do great things together."

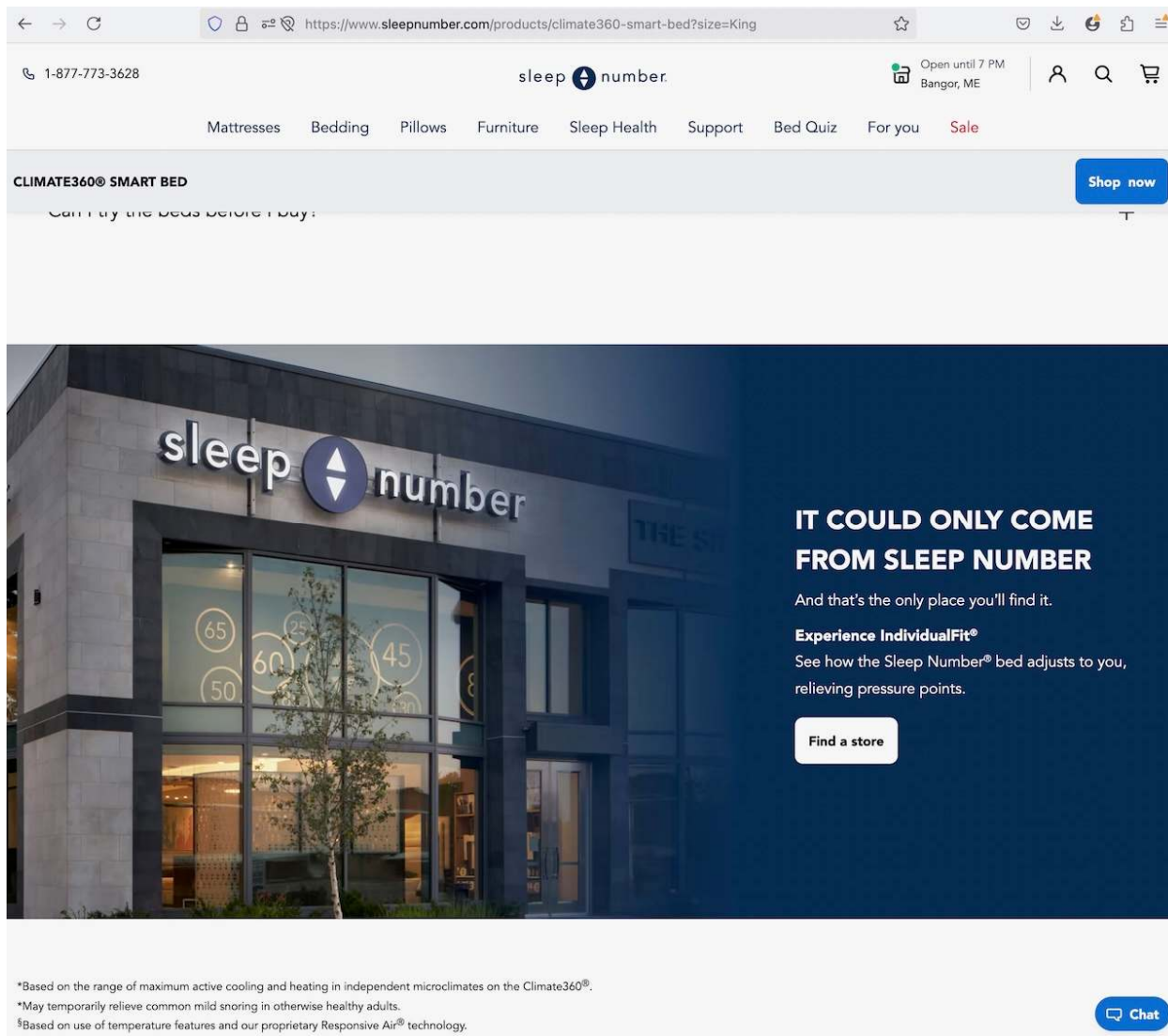
The multi-year agreement deepens the two companies' nearly 20-year relationship and draws on their trajectory of innovation in their respective industries. To build upon their success, new areas of collaboration are planned to include:

- Investing in advancements, including consumer payment choices;
- Deepening personalization; and
- Increasing customers' access to credit.

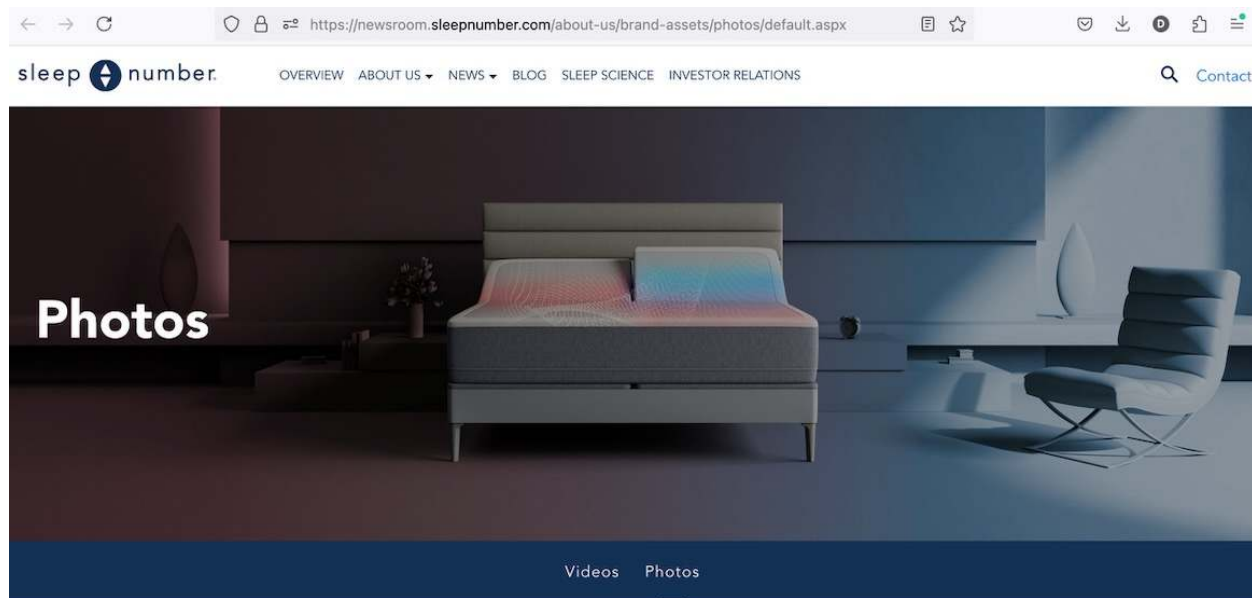
"Together, our companies have developed a strong team and deep understanding of how payment experiences drive customer satisfaction and business growth at Sleep Number," said Curtis Howse, CEO of Home and Auto, Synchrony. "We share a passion for innovation and digital reinvention and have built a terrific foundation for what comes next: creating an enhanced customer experience that utilizes more customer and credit insights, combined with the significant advancements we've made in payments. We

"This partnership is an important contributor to our superior shopping experience, enabling us to deliver exceptional value for our Smart Sleeper community," said Melissa Barra, Executive Vice President and Chief Sales and Services Officer, Sleep Number. "Leveraging our extensive consumer insights and digital capabilities, Sleep

24. On or about September 1, 2022, Sleep Number copied and posted Copyrighted Photograph to its website without the proper credit to Gryniewski and in direct violation of Section 7 of Agreement, www.sleepnumber.com/products/climate360-smart-bed?size=King:



25. On or about October 1, 2022, Sleep Number copied and posted Copyrighted Photograph to its website without the proper credit to Gryniewski and in direct violation of Section 7 of Agreement, www.newsroom.sleepnumber.com/about-us/brand-assets/photos/default.aspx:



☐ Select All

Items per page: 8



☐ Sleep Number J.D. Power Award 2023



☐ Sleep Number Climate360 smart bed



☐ Next Generation Sleep Number smart bed



☐ Sleep Number Lifestyle Furniture smart bed



☐ Sleep Number Retail Store



☐ Sleep Number Headquarters in Minneapolis

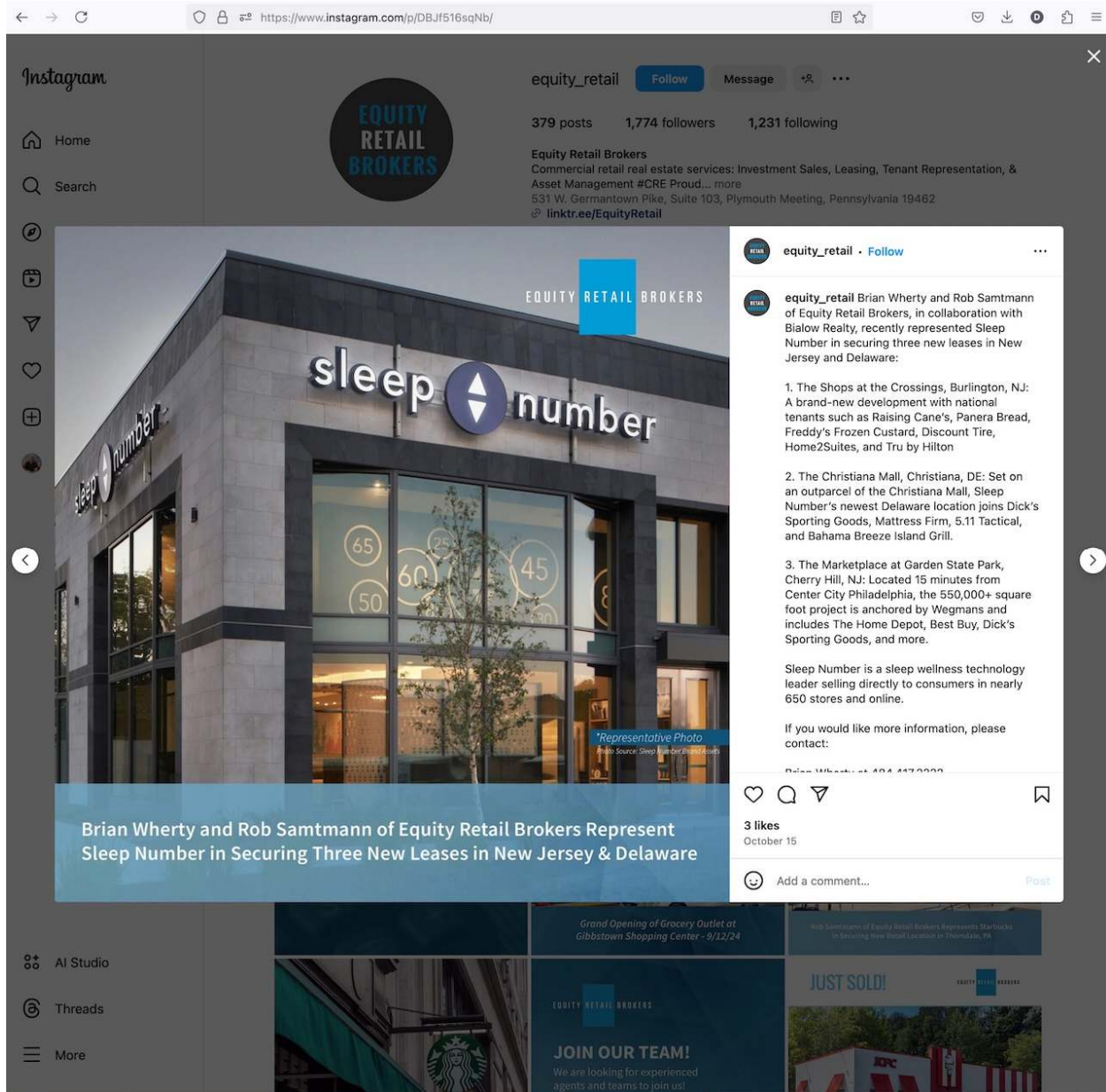
26. Sleep Number copied and posted Copyrighted Photograph to a URL viewable to the public where viewers were able to download a high-resolution version of Copyrighted Photograph in direct violation of Agreement:



☐ Sleep Number Retail Store

27. Defendant copied and posted Copyrighted Photograph to a public URL with no instructions for proper use, guidelines, and in direct violation of Section 7 of Agreement, including proper credit to Gryniewski.

28. As a result of Defendant's violation of Section 7 of Agreement, numerous third parties copied and displayed Copyrighted Photograph without proper license or permission from Gryniowski, including the following examples:



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CMO TODAY

Sleep Number's 'Drastic Miss' Resulted in Drastic Marketing Measures

The bed and mattress company shifted its marketing message after consumer demand unexpectedly dropped


By Megan Graham [Follow](#)

Nov. 10, 2023 6:00 am ET

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Bed and mattress brand Sleep Number recalibrated its sales and marketing strategy after being surprised by a drop in consumer demand. PHOTO: SLEEP NUMBER

Bed and mattress brand [Sleep Number](#) said it retooled its marketing approach to emphasize affordability and competitive value after a startling slip in consumer demand contributed to a 13% year-over-year net sales drop and an earnings miss.

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Sleep Number is getting into the under \$1,000 smart bed category in the third quarter. Photo courtesy of Sleep Number.

Smart beds under \$1K? Sleep Number is ramping up to deliver just that

Sheila Long O'Mara // Executive Editor, Furniture Today // May 1, 2024

MINNEAPOLIS – Consumer spending is down, and Sleep Number – which typically deals in the high-middle to upper-end of the bedding segment – is jumping into the under \$1,000 smart bed category with a new bed set for

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MINNEAPOLIS and STAMFORD, Conn., Sept. 1, 2022 /PRNewswire/ -- Synchrony (NYSE: **SYF**) and Sleep Number (Nasdaq: **SNBR**) announced that they have renewed their longtime financing partnership, which includes new joint investments from both industry leaders. Their commitment will continue to focus on exceptional customer experiences and make Sleep Number's award-winning sleep and wellness solutions attainable for more consumers.

The multi-year agreement deepens the two companies' nearly 20-year relationship and draws on their trajectory of innovation in their respective industries. To build upon their success, new areas of collaboration are planned to include:

- Investing in advancements, including consumer payment choices;
- Deepening personalization; and
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"Together, our companies have developed a strong team and deep understanding of how payment experiences drive customer satisfaction and business growth at Sleep Number," said Curtis Howse, CEO of Home and Auto, Synchrony. "We share a passion for innovation and digital reinvention and have built a terrific foundation for what comes next: creating an enhanced customer experience that utilizes more customer and credit insights, combined with the significant advancements we've made in payments. We look forward to continuing to do great things together."

"This partnership is an important contributor to our superior shopping experience, enabling us to deliver exceptional value for our Smart Sleeper community," said Melissa Barra, Executive Vice President and Chief Sales and Services Officer, Sleep Number. "Leveraging our extensive consumer insights and digital capabilities, Sleep Number and Synchrony work closely together to continuously simplify the purchasing process and broaden credit accessibility. Because consumers are increasingly connecting the impact of quality sleep to their overall wellbeing, we must ensure our 360 smart beds are attainable for everyone. We're excited to



OK

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Sleep Number is getting into the under \$1,000 smart bed category in the third quarter. Photo courtesy of Sleep Number.

Sheila Long O'Mara // Executive Editor, Furniture Today // October 30, 2024

MINNEAPOLIS – Longtime chair, president and CEO of [Sleep Number](#) is retiring and will make through the sleep brand's 2025 annual shareholders meeting

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Building on a nearly 20-year relationship, the companies will leverage advanced insights and technology to drive consumer demand and growth

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SYF: Dynamic Chart



Company Profile

Synchrony Financial specializes in the issuance and marketing of credit cards. The group's activity is essentially organized around 4 areas: - embossing and issuing of credit cards; - payment processing; - printing and mailing of credit card statements; - other: consumer loans, health care services, etc. Home & Auto, Digital, Diversified & Value, Health & Wellness and Lifestyle At the end of 20...

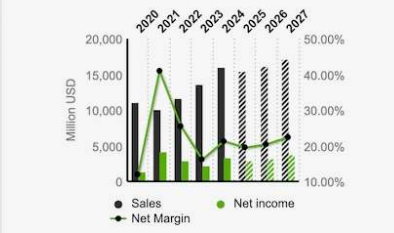
Employees 20,000

Sector Consumer Lending

Calendar 29/04 - Q1 2025 Earnings Release (Projected)

[» More about the company](#)

Income Statement and Estimates



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Sleep Number tries to reverse hijack beds.com

 [Andrew Allemann](#) [5 Comments](#) November 2, 2023

Company wrongfully alleged that the domain owner stole the domain.



A UDRP panel has [found](#) that mattress company Sleep Number Corporation tried to reverse domain name hijack beds.com.

Sleep Number once owned and used the domain name, and in 2018, started forwarding the domain to sleepnumber.com.

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<https://sleepsavvymagazine.com/mattress-news/company/sleep-number-closing-at-least-40-stores-in-2024/>

Sleep Number Closing At Least 40 Stores In 2024

BY SLEEP SAVVY STAFF November 15, 2023



Last week, Minneapolis-based bed and mattress manufacturer Sleep Number announced its sales results for the third quarter of 2024. According to a press release published by the company, net sales declined 13% versus the prior year to \$473 million, creating a loss per diluted share of \$0.10 compared with diluted earnings per share of \$0.22 last year.

“The third quarter was challenging for Sleep Number and the bedding industry as the consumer demand trajectory changed abruptly midway through the quarter,” says Shelly Ibach, chair, president and CEO of Sleep Number. “In response, we acted quickly to further reduce costs, recalibrate our sales and marketing approach, and amend our credit agreement to provide additional covenant flexibility through the end of 2024.”



Photo courtesy of Sleep Number.

As part of the company’s overall strategy to reduce costs, Sleep Number laid off 500 employees or 10% of its workforce earlier this month and also plans to close between 40 to 50 of its stores by the end of next year. The locations that will be closed are not currently public information. Further reductions, according to the release, will come in the form of “slowing the rate of new store openings and remodels” and cost optimization through its manufacturing and home delivery network.

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Sleep Number Closing At Least 40 Stores In 2024

BY SLEEP SAVVY STAFF November 15, 2023



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Photo courtesy of Sleep Number.

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“We expect these actions and broad-based restructuring initiatives to result in a more durable operating model with improved profitability and cash flows in a range of economic environments. We remain confident in our strategic direction and ability to deliver superior value creation over time,” adds Ibach.

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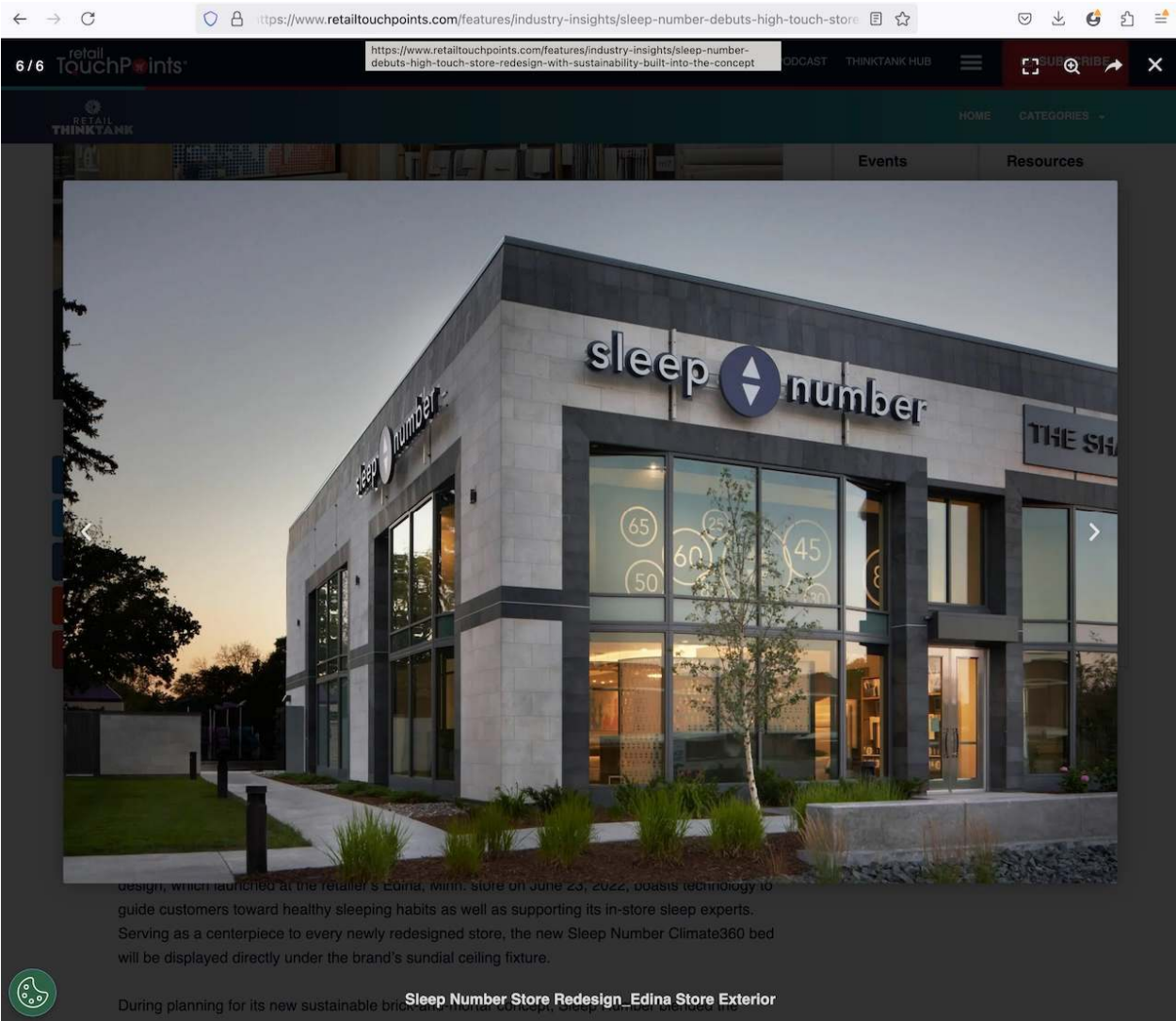
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Sleep Number is getting into the under \$1,000 smart bed category in the third quarter. Photo courtesy of Sleep Number.

Sleep Number agrees with largest shareholder to finesse board makeup

Sheila Long O'Mara

// Executive Editor, Furniture Today

// March 14, 2025

MINNEAPOLIS – Sleep Number Corp. and its largest investor have come to an agreement that five of the company's current board members will retire

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CONSUMER | EARNINGS REPORT

Sleep Number Stock Tanks. Its Earnings Were a Nightmare.

By [Angela Palumbo](#) [Follow](#)

Updated Nov 08, 2023, 12:28 pm EST / Original Nov 08, 2023, 10:41 am EST



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Reprints



Sleep Number Retail Store (COURTESY SLEEP NUMBER)


[Sleep Number's](#) latest financial results were a nightmare, causing the mattress maker's stock to sink Wednesday.

[Sleep Number](#) (ticker: SNBR) Chief Executive Shelly Ibach said during Tuesday's third-quarter earnings call that the bedding industry has now been operating at recessionary levels for two years.

"We estimate that industry demand was down double digits in the quarter," Ibach said, adding that overall industry mattress sales are down nearly 20% from prepandemic levels. On a 12-month trailing basis, mattress unit sales are under 25 million units, the lowest level since 2015, the CEO noted.

[Sleep Number](#) stock plummeted 27% to \$11.77 at 12:25 p.m. Wednesday, and were on pace for their lowest close since March 2011, according to Dow Jones Market Data. The stock has now fallen 54% this year.

The well-known brand of adjustable mattresses and bed frames can be purchased at the Sleep Number store in Tysons Corner. Sleep Number focuses on using technology and the latest sleep research to help customers find the **best Sleep Number mattress**. Customers love Sleep Number's adjustable fit that customizes to your body and provides temperature control and regulation.



Inventory Variety

When shopping at Sleep Number, customers can find the latest Sleep Number products to test out before buying. The Sleep Number store offers digital pressure point mapping of your body to help you find the perfect fit. Additionally, the store also offers a **pillow assessment**. Along with mattresses, the store stocks sheets and other bedding accessories.

Competitive Pricing

Sleep Number mattresses are often more expensive than other mattresses you can find online. They are also more costly than other mattresses usually found in stores. Even though they are more costly, Sleep Number still provides

Google Rating
4.8 ★★★★★
Based on 963 reviews

VISIT SLEEPARE

Try & Buy Your Favorite
Online-Mattresses in-Store

VISIT OUR STORES

Hey there 🌟

Welcome to SleepPare 🛏️

How can I help you today?!

SleepPare_Team • Just now

Message...

← → ↺

https://www.uysqto.store/?path=page/ggitem&ggpid=1571436

☆

Google

Afficher cette page en : Français Traduire Désactiver pour : Détecter la langue


Options

FREE SHIPPING ON ORDERS OF \$35 AND UP.

SUPER SALE

🔍 🛒 USD \$

Collection Hot Sale WOMEN MEN KIDS Brands



Sleep Number Debuts High-Touch Store With Sustainability Built

\$51.00

\$127.00

SAVE 60% OFF

Size:


Default Size

Qty:


1

Add to Cart

You Might Also Like




Sleep Number in Honolulu - ThreeBestRated.com




Sleep Number Debuts High-Touch Store With Sustainability Built

Save up to \$1,000 on select smart beds

Bed Mattress Store Finder - Sleep Number



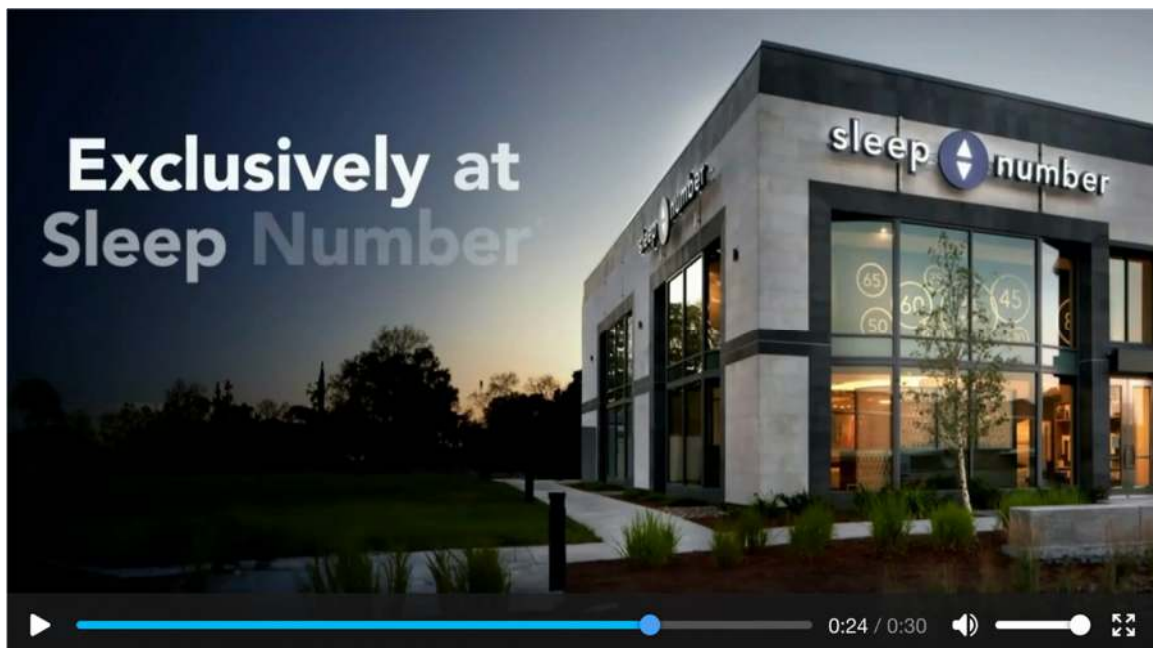
Why Sleep Number is redesigning its stores - Modern Retail



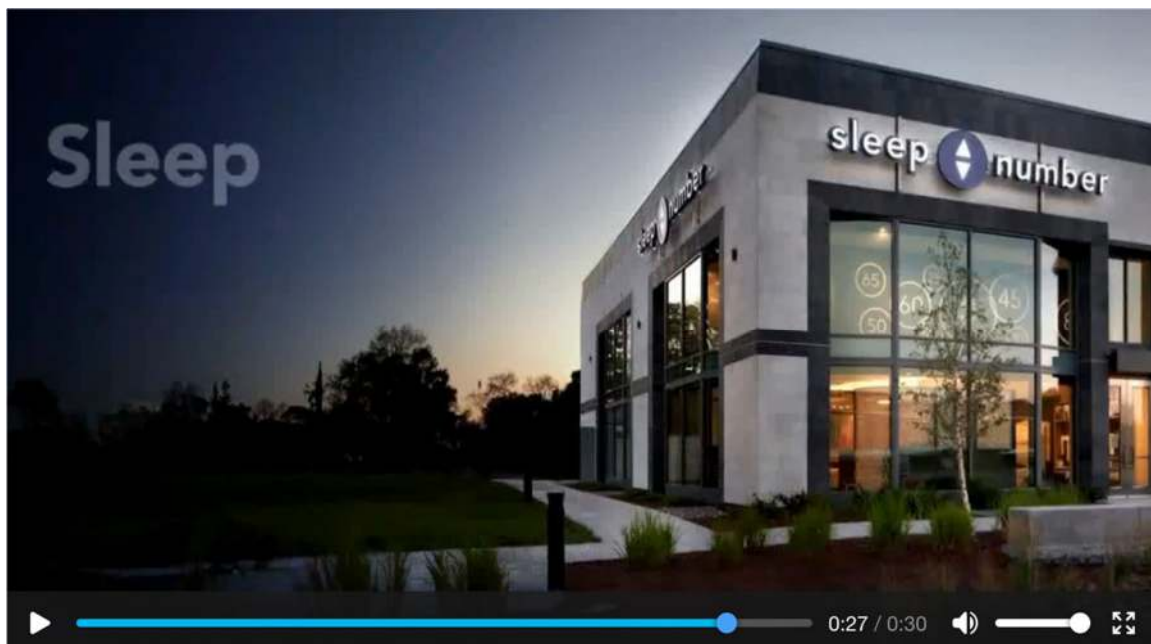
Thanks Mail Carrier Sleep Number DualTemp Heating and Cooling

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29. Starting October 3, 2024, Sleep Number displayed Copyrighted Photograph for the final six (6) seconds of a thirty (30) second national television advertisement, “Future of Cool:”



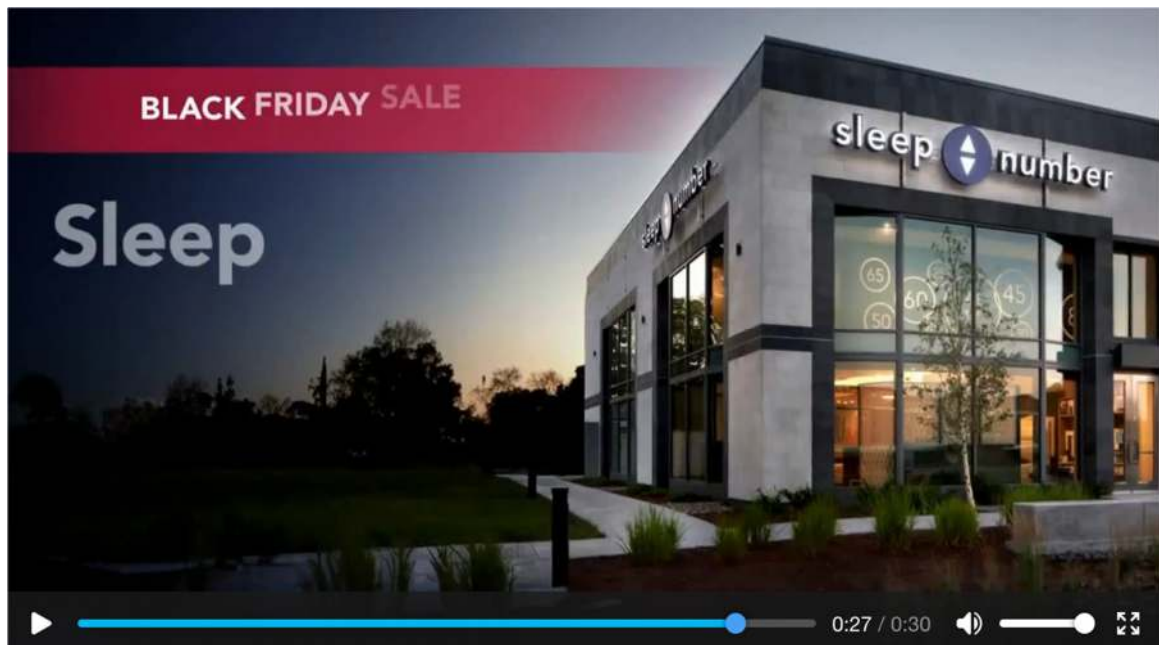
30. Starting October 10, 2024, Sleep Number displayed Copyrighted Photograph for the final three (3) seconds of a thirty (30) second national television advertisement, “80% of NFL Players’ Featuring Matthew Stafford, Kelly Stafford:”



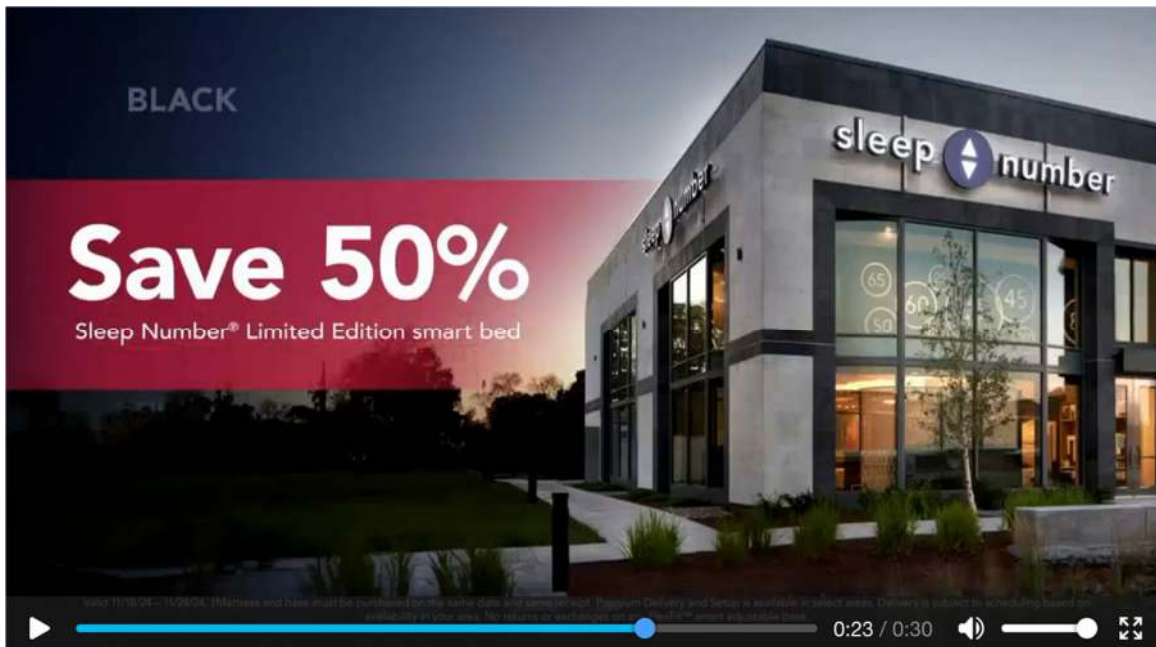
31. Starting November 12, 2024, Sleep Number displayed Copyrighted Photograph for the final four (4) seconds of a fifteen (15) second national television advertisement, “Why Do Couples Choose a Sleep Number Smart Bed?”



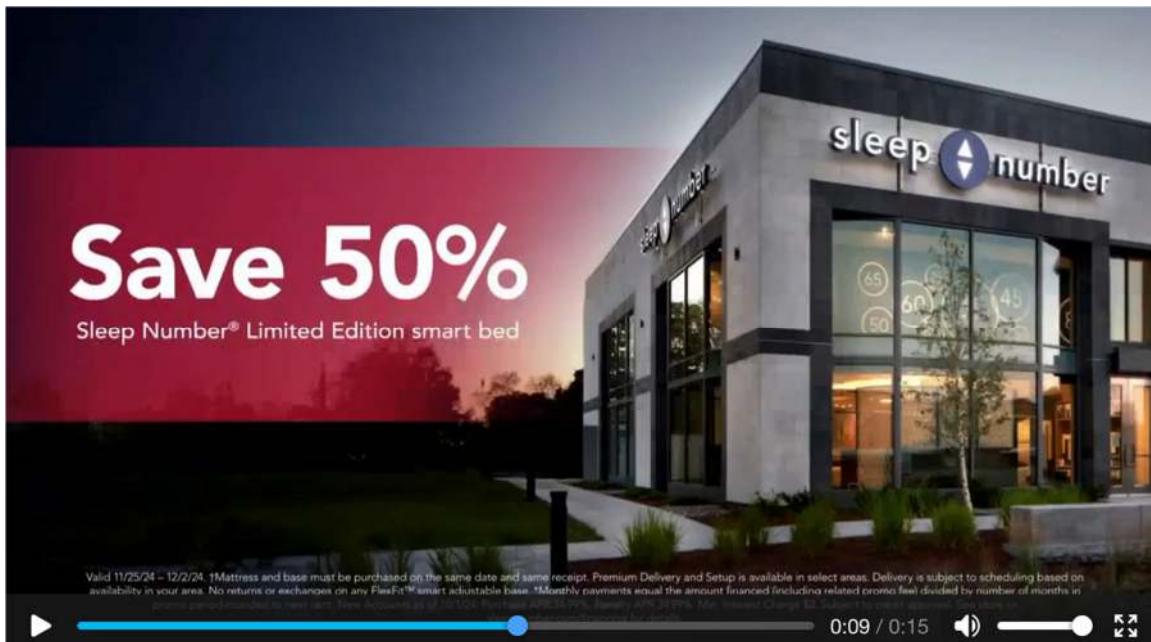
32. Starting November 18, 2024, Sleep Number displayed Copyrighted Photograph for the final three (3) seconds of a thirty (30) second national television advertisement, “80% of NFL Players’ Featuring Matthew Stafford, Kelly Stafford:”



33. Starting November 25, 2024, Sleep Number displayed Copyrighted Photograph for the final seven (7) seconds of a thirty (30) second national television advertisement, “Future of Cool: Save 50%:”



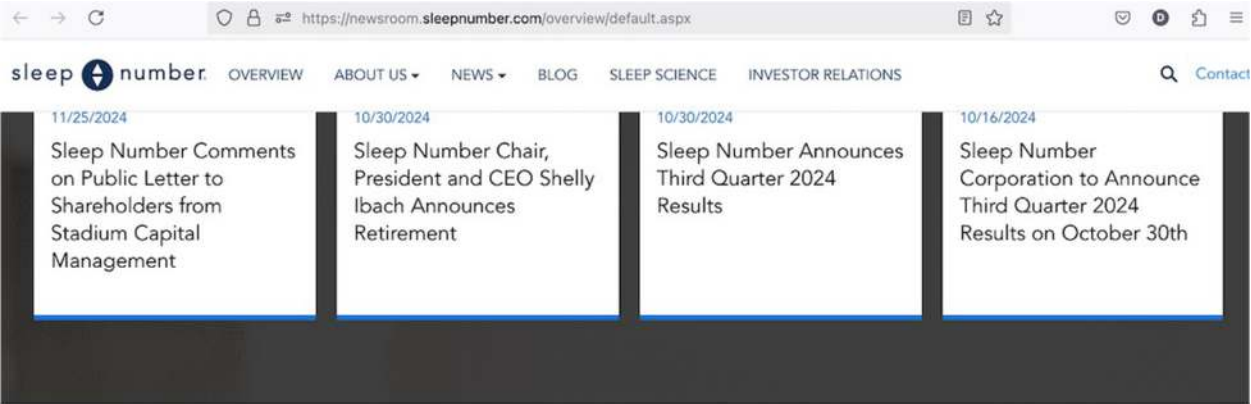
34. Starting November 26, 2024, Sleep Number displayed Copyrighted Photograph for the final six (6) seconds of a fifteen (15) second national television advertisement, “Help With Snoring: Save 50% and Special Financing:”



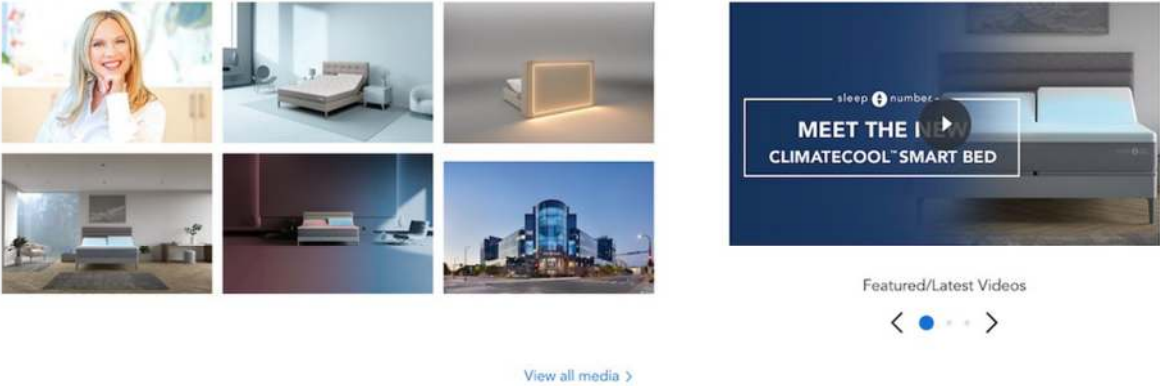
35. The Sleep Number advertisements ran during national network television programming, including National Football League games, Saturday Night Live, and others.

36. The Sleep Number advertisements ran during Peacock TV (www.peacocktv.com) programming, including “The Day of the Jackal,” and others.

37. On or about October 5, 2024, Sleep Number displayed Copyrighted Photograph for the final six (6) seconds of a thirty (30) second online advertisement posted to its commercial website, www.newsroom.sleepnumber.com/about-us/brand-assets/photos/default.aspx:



Media Center



38. On or about October 5, 2024, Sleep Number copied and posted Copyrighted Photograph to its YouTube channel:

- www.youtube.com/watch?v=tLBCvp_Wx_E (“YouTube Video 1”)
- www.youtube.com/channel/UCsSijybRuQZ4Ee7D6z_qxQg (“YouTube Video 2”)

YouTube interface showing a video titled "Sleep Better Together™" by Sleep Number. The video is an advertisement for the "ClimateCool™ Smart Bed". The video player shows a timestamp of 0:27 / 0:30. Below the video, the title "Why do 80% of NFL Players Choose A Sleep Number® Smart Bed?" is displayed, along with the channel name "Sleep Number" (60K subscribers) and a "Subscribe" button. The video description mentions "94K views 2 months ago" and discusses the use of Sleep Number beds by NFL players, specifically mentioning the LA Rams Quarterback Matthew Stafford and his wife Kelly Stafford. The video has 5 comments and 194 likes. The right sidebar shows a "Shorts" section with various video thumbnails and titles, including "NICOLAS JACKSON...", "Puppy's Mission Is...", "A cat mom who cares...", "SICARIO: DAY OF THE SOLDADO CLIP COMPILATION...", "WORKOUT WEDNESDAY", "Parker Valby Gets Up To Speed With NB Boston | Workout...", "Manchester City v. Manchester United | PREMIER LEAGUE...", and "Jason Bourne".

youtube.com/channel/UCsSijybRuQZ4Ee7D6z_qxQg

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Meet the **NEW** ClimateCool™ smart bed
The future of cool, comfortable sleep is here
sleep number

Sleep Number
@sleepnumber · 58.9K subscribers · 203 videos
At Sleep Number®, our goal is to improve lives by providing people with the best possible ...more
sleepnumber.com and 6 more links
Subscribe

Home Videos Shorts Playlists

Introducing the NEW Sleep Number® ClimateCool™ Smart Bed
3,160,253 views · 1 month ago
The future of cool, comfortable sleep is here! Meet the NEW Sleep Number® ClimateCool™ Smart Bed. The only smart bed in the world that actively cools and effortlessly adjusts to both of you. Featuring scientifically proven cooling programs designed to provide deeper, more comfortable sleep. Learn more about Sleep Number's newest innovation here:
<https://www.sleepnumber.com/pages/bes.....>
READ MORE

Exclusively at Sleep Number
Why do 80% of NFL ...
NFL PLAYERS CHOOSE SLEEP NUMBER
0:31
LATHAM THOMAS

For You

CRUCIAL CATCH LIVE
PRESENTED BY sleep number.
49:42
632 views · 9 months ago

BEDTIME MEDITATION WITH LATHAM THOMAS
15:50
47K views · 2 years ago

LATHAM THOMAS LEADS BED YOGA
14:48
2.3K views · 2 years ago

39. Defendant is not and has never been licensed to use or display Copyrighted Photograph in the manners described above. Defendant never contacted Gryniewski to seek permission to use Copyrighted Photograph in connection with any advertisements in any format, including online, network television, or streaming services.

40. Gryniowski first discovered Defendant's unauthorized use/display of Copyrighted Photograph on November 9, 2024. Following Gryniowski's discovery, Gryniowski notified Defendant in writing of such unauthorized use. To date, Gryniowski has been unable to negotiate a reasonable license for the past infringement of Copyrighted Photograph.

41. Despite possessing direct knowledge of its infringing actions on November 11, 2024, Defendant refused to cease its unauthorized use of Copyrighted Photograph until more than two weeks after learning of its infringing actions, and in at least one case, refused to remove the infringement altogether.

42. Defendant failed to remove YouTube Video 2 until March 26, 2025, over four (4) months after being notified by Gryniowski.

43. Defendant failed to remove YouTube Video 2 until December 15, 2024, over one (1) month after being notified by Gryniowski, at which time it had received over 4 million online views.

COUNT I: COPYRIGHT INFRINGEMENT

44. Gryniowski incorporates herein by this reference each and every allegation contained in each paragraph above. Copyrighted Photograph is an original work of authorship, embodying copyrightable subject matter, and therefore subject to the full protection of the United States copyright laws (17 U.S.C. § 101 et seq.).

45. Gryniowski owns a valid copyright in Copyrighted Photograph, having registered Copyrighted Photograph with the Register of Copyrights.

46. Gryniowski has standing to bring this lawsuit and assert the claim(s) herein as it has sufficient rights, title, and interest to such copyright.

47. Defendant reproduced, distributed, and publicly displayed Copyrighted Photograph without authorization from Gryniewski.

48. By its actions, Defendant infringed and violated Gryniewski's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying Copyrighted Photograph for its own commercial purposes.

49. Defendant's infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Gryniewski's copyright.

50. Gryniewski has been damaged as a direct and proximate result of Defendant's infringement.

51. Gryniewski is entitled to recover its actual damages resulting from Defendant's unauthorized use of Copyrighted Photograph and, at Gryniewski's election (pursuant to 17 U.S.C. § 504(b)), Gryniewski is entitled to recover damages based on a disgorgement of Defendant's profits from infringement of Copyrighted Photograph, which amounts shall be proven at trial.

52. Alternatively, to the extent infringement by Defendant of Copyrighted Photograph occurred post-registration or within the three (3) month period between first publication and registration, and at Gryniewski's election, Gryniewski is entitled to statutory damages pursuant to 17 U.S.C. § 504(c), in such amount as deemed proper by the Court.

53. To the extent infringement by Defendant of Copyrighted Photograph occurred post-registration or within the three (3) month period between first publication and registration, Gryniewski is further entitled to recover its costs and attorneys' fees as a result of Defendant's conduct pursuant to 17 U.S.C. § 505 for such infringement of the corresponding Copyrighted Photograph.

COUNT II: CONTRIBUTORY INFRINGEMENT

54. Gryniewski incorporates herein by this reference each and every allegation contained above.

55. Defendant, without the permission or consent of Gryniewski, knowingly induced, caused, and materially contributed to copyright infringement by posting Copyrighted Photograph on its public, commercial website, www.newsroom.sleepnumber.com/about-us/brand-assets/photos/default.aspx, which was specifically designed to disseminate visual information, including Copyrighted Photograph.

56. Defendant was a party to Agreement, and therefore possessed direct knowledge such actions constituted infringement.

57. As a result of Defendant's actions, Gryniewski is entitled to actual damages or such other and further relief as is just and proper.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- a. A declaration that Defendant has infringed Plaintiff's copyrights in Copyrighted Photograph;
- b. A declaration that such infringement is willful;
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election (to the extent applicable), an award of statutory damages for willful infringement up to \$150,000.00 for infringement of each photograph comprising the Work.
- d. Awarding Plaintiff its costs and (if applicable) reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and

participation with Defendant, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market Copyrighted

Photograph or to participate or assist in any such activity; and

g. For such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: March 31, 2025

Bartz & Bartz, P.A.

/s/ Douglas C. Mezera

Douglas C. Mezera

MN Bar No.: 0391358

5100 Edina Industrial Blvd, Ste. 235

Edina, MN 55439

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Counsel for Plaintiff Lauren Gryniowski

-and-

The Law Office of David C. Deal, P.L.C.

/s/ David C. Deal

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Email: david@daviddeal.com

Counsel for Plaintiff Lauren Gryniowski

Pro hac vice application forthcoming